



Approved June 14, 2006

**PLANNING COMMISSION
CITY OF SCOTTSDALE
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
MAY 24, 2006**

STUDY SESSION MINUTES

PRESENT: James Heitel, Vice-Chairman
David Barnett, Commissioner
Steven Steinke, Commissioner
Eric Hess, Commissioner
Kevin O'Neill, Commissioner

ABSENT: Steve Steinberg, Chairman
Jeffrey Schwartz, Commissioner

STAFF PRESENT: Lusia Galav
Frank Gray
Randy Grant
Donna Bronski
Tim Curtis
Greg Williams
Don Hadder
John Lusardi
Tim Connor

1. **CALL TO ORDER**

The study session of the Scottsdale Planning Commission was called to order by Vice-Chairman Heitel at 4:11 p.m.

2. **ADMINISTRATIVE REPORT - LUSIA GALAV**

Ms. Galav mentioned that a draft of the policy document for the temporary fencing had been completed. She was hopeful that the document would be ready to present at the next meeting.

3. **DISCUSSION ON MAJOR GENERAL PLAN AMENDMENTS**

Mr. Lusardi addressed the Commission concerning the three major General Plan amendments that were filed for this year, explaining that a major General Plan amendment is required to go through an annual process; a minor General Plan amendment can run concurrently with a zoning application. He explained that the City of Scottsdale implemented a General Plan annual review process for major General Plan amendments in 2001. He reviewed what would constitute a major General Plan amendment.

The three General Plan amendments filed this year fall under a change in land use category which is categorized as going from a general land amendment of a less intensive land use to a more intensive land use. This is the general rule for most General Plan amendments. Mr. Lusardi noted that the basic request for the three amendments was being filed and they have yet to be analyzed.

Mr. Lusardi reviewed the General Plan amendment process. General plan amendments are heard by the City Council in the same year submitted with an April deadline and an October hearing and require a two-thirds majority vote.

Mr. Lusardi noted that there would be an open house at the North Water Campus on June 5, 2006. The open house was scheduled at the north campus because the three amendments would affect neighborhoods in that area. On August 30, the Planning Commission will have a remote site hearing at the Via Linda Senior Center on these three amendments. On September 27 the Planning Commission will be asked to make a recommendation with respect to the amendments. October 31 through November 2, City Council will review the General Plan amendments.

GP-4 and GP-5 are two different amendment applications from adjacent properties. The two different property owners are asking for the same land use change and have the same representative; they are both requesting to change from cultural institutional to office, which constitutes a major General Plan amendment. No concurrent zoning is on file and the Applicants have been requested to come up with conceptual designs to be considered as the application is being reviewed.

GP-6 is a request to change from rural neighborhood to office, which also qualifies as a major General Plan amendment. The Applicant has indicated that they would be filing a zoning application.

In response to a question by Commissioner Barnett, Mr. Lusardi confirmed that GP-4 and GP-5 were coming in for office because they felt that that land use would create the best buffer between the residential neighborhoods and WestWorld, as opposed to the multi-family residential which was denied last year. Mr. Curtis clarified that there is an ESL boundary north and east of the power line corridor. The current zoning is R1-35 ESL.

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In response to an inquiry by Commissioner O'Neill regarding the previous denial of GP-4 and GP-5, Mr. Gray explained that there were objections from the adjoining neighborhood about compatibility and the internal roadway system was not clearly defined. Although the property to the east was rezoned and changed on the comprehensive plan to urban neighborhood, because the properties were adjacent to Westworld it was felt that multi-family residential would not be an appropriate use.

Vice-Chairman Heitel opined that it would be helpful if the Planning Commission minutes from last year's case had been included in the packet in order to provide background.

Commissioner Barnett recalled conversation last year regarding changing the General Plan process from a once a year process to a continuous process, noting that discussion surrounding the conversation indicated that changing the process would itself involve a General Plan amendment. He noted conversations regarding the creation of an open system allowing a major General Plan amendment change to happen anytime throughout the year. Ms. Bronski noted that her recollection of the discussion was about changing when the single public hearing would be. Mr. Gray recalled that discussion was about taking applications on a continuous basis in order to evaluate whether they were major or minor, but still having the one time a year that is allowed by State law.

Commissioner Barnett argued that was not the way he recalled the conversation. He opined that state law gave municipalities the option of creating their own type of system for review at a minimum once a year. He requested that the subject be researched and brought back to the next meeting for discussion.

Ms. Bronski noted that the State law allows the cities to make changes in the definition of a General Plan amendment. If the criteria were changed in any significant way it would change how many cases would qualify. She will provide the Commission with that statute.

Commissioner Barnett requested that a discussion be agendaized regarding the criteria for a major General Plan amendment. He suggested that the amount of acreage involved in a major General Plan amendment could be one of the simple changes made. He suggested that other changes could be made to make the system friendlier. He requested that the discussion include recommendations regarding whether making changes would in themselves be a General Plan amendment change and what the process for that would be.

Commissioner Steinke requested that the minutes from the City Council meeting regarding the size issue that the Planning Commission challenged be included in the review of last year's events.

4. **DISCUSSION OF ESLO TEXT AMENDMENTS**

Mr. Hadder reviewed the process for the two amendments which are currently initiated.

He recalled that at the last meeting the Planning Commission initiated a section of the ordinances in ESL that would allow pregrading on a site prior to any site plan reviews. Another text amendment accommodates flexibility for setbacks and amended standards for smaller parcels other than a preliminary plat. He noted that the two amendments would be combined into one public involvement process as one overall package with the ESL ordinance.

5. **REVIEW OF MAY 24, 2006 AGENDA**

CONTINUANCES

- 2. 2-AB-2006 Novak Residence
- 3. 2-TA-2006 ESL Text Amendment

Ms. Galav noted that 2-TA 2006 would return on June 28, 2006.

EXPEDITED AGENDA

- 4. 24-AB-2005 Carmichael Court
- 5. 5-AB-2006 Sanchez Property
- 6. 3-AB-2006 Hardy - KPJS

Ms. Galav noted that none of the abandonment's were GLO's.

In response to an inquiry by Commissioner O'Neill, Mr. Curtis confirmed that a plat for this property was proceeding at the same time. Commissioner O'Neill commented that the property appeared to have been developed as four lots and not as three with a guest house. Mr. Curtis clarified that there were no violations; the Applicant was hoping to enlarge the guest house and create its own lot as a single family home.

Commissioner O'Neill opined that the Applicant was circumventing the process and suggested that staff take a closer look at the Applicant's intentions.

Mr. Gray explained that the Applicant was going through the subdivision process. The original intention was for three homes and a guest house and now wishes to create a lot and do an expansion on the fourth house.

Vice-Chairman Heitel inquired about the status of the Planning Commissions request to modify their powers so that subdivision plats would come to them. Mr. Gray explained that the request was forwarded to the Council Committee looking at the roles of the Boards and Commissions.

In response to an inquiry by Vice-Chairman Heitel, Mr. Gray clarified that four lots constitutes a subdivision. Mr. Gray noted that a modification to the subdivision ordinance will result in having minor subdivisions and major subdivisions, doing

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away with lot splits. Four or less lots would be handled administratively and more than four lots would go through the legislative process.

In response to an inquiry by Commissioner Hess regarding the proposed text amendment governing the distance between private and charter schools and the proposal for a conditional use permit for nonresidential uses in residential neighborhoods, Mr. Gray reiterated that all of the proposed text amendments would be moving through as a package.

Regarding semi-permanent signs, Commissioner Hess commented that steps needed to be taken with regard to off-site signs in the scenic corridor. Mr. Gray noted that review of regulations for off-site advertising signs was on the schedule, but not included with the text amendments. Commissioner Hess commented that he receives more public input regarding semi-permanent signs than any other topic.

In response to a question by Commissioner Barnett regarding the issue of fines, Ms. Bronski remarked that time would be needed to collect statistical backup. Some flexibility exists to increase fines on specific matters, but statutory maximums are set in State law. Ms. Bronski confirmed that a discussion including data and options would be on the agenda of an upcoming meeting.

NON-ACTION ITEM

7. Discussion on new residential in south Scottsdale

Ms. Galav noted that the non-action item would be deferred to the next meeting at the request of Commissioner Schwartz.

Commissioner O'Neill requested that the issues and concerns regarding Skysong be included in the discussion.

In response to an inquiry by Commissioner Hess, Mr. Gray clarified that zoning would permit residential to occur at Skysong. The lease agreement restricts residential and will need to be modified through the City Council to allow residential.

6. **REVIEW OF JUNE 14, 2006 TENTATIVE AGENDA**

14-GP-2005 McCormick Ranch Condos

22-ZN-2005 McCormick Ranch Condos

Ms. Galav reviewed the two related items, a non major General Plan amendment and a companion zoning case.

4-AB-2006 Rutherford Abandonment

Ms. Galav noted that this is a request to abandon GLO's.

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5-UP-2006

Salty Seniorita

Ms. Galav noted a request for a conditional use permit for an existing bar establishment.

6-UP-2006

Kim Courtneys Swimstations

Ms. Galav noted a request for a conditional use permit for a swim school in a residence.

Mr. Williams clarified that the permit is required in order to conform to regulations. He confirmed that he would provide information regarding parking in his presentation.

9-AB-2006

132nd Street and Rio Verde

Ms. Galav stated that this request was continued from the May 10 meeting. She noted that a solution had been reached with Transportation.

9-UP-2006

Scott Toyota

Ms. Galav noted this was a request for a conditional use permit for automobile sales on McDowell Road.

7. **ADJOURNMENT**

With no further business to discuss, the study session adjourned at 4:51 p.m.

Respectfully submitted,
A/V Tronics, Inc.

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